

901 KAR 5:120. Induced termination of pregnancy reporting.

RELATES TO: KRS 61.870-61.884, Chapter 213, 311.595, 311.710-311.830

STATUTORY AUTHORITY: KRS 194A.050(1), 213.021, 213.101(1), (6)

NECESSITY, FUNCTION AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of Kentucky citizens and to operate programs and fulfill the responsibilities vested in the cabinet. KRS 213.101(1) requires each induced termination of pregnancy that occurs in the commonwealth to be reported to the Office of Vital Statistics. KRS 213.101(6) requires the Office of Vital Statistics to promulgate administrative regulations to assist in compliance with that statute. This administrative regulation establishes the reporting criteria for induced termination of pregnancy.

Section 1. Definitions. (1) "Probable post-fertilization age" means, in reasonable medical judgment and with reasonable probability, the age of the unborn child, as calculated from fertilization, at the time the abortion is performed or induced or attempted to be performed or induced.

(2) "Reasonable medical judgment" means a medical judgement that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(3) "Serious risk of substantial and irreversible impairment of a major bodily function" means any medically diagnosed condition that so complicates the pregnancy of the woman as to directly or indirectly cause the substantial and irreversible impairment of a major bodily function.

Section 2. Reporting. (1) A person or institution shall comply with the reporting requirements of KRS 213.101(1).

(2) The report shall be filed irrelevant of the gestational age or probable post-fertilization age of the fetus at the time of the induced termination.

(3) The report shall be made through the cabinet's electronic database or on VS-913, Report of Induced Termination of Pregnancy.

(4) The report shall:

(a) Contain the information required to be certified in writing or determined by KRS 311.710-830 as follows:

1. The probable post-fertilization age of the unborn child;

2. Whether the termination was necessary to prevent the death of the pregnant woman or to avoid a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman; and

3. The method or technique utilized; and

(b) Not contain information which could identify a physician, woman, or man involved.

(5) Pursuant to KRS 213.106, a report shall be used in accordance with the provisions of KRS 213.906.:

Section 3. Penalties. Failure to comply with the provisions of KRS 213.101(1) shall subject the reporting person or institution to the penalties provided in KRS 213.101(4) and (5).

Section 4. Incorporation by Reference. (1) Form VS-913, "Report of Induced Termination of Pregnancy", 5/2017, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law,

at the Department for Public Health, first floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (43 Ky.R. 2243; 44 Ky.R. 223; eff. 8-16-17)